To: David Haury[dhaury@anchorqea.com]; Kwan, Caroline[kwan.caroline@epa.gov]

Cc: Vaughn, Stephanie[Vaughn.Stephanie@epa.gov]; Schmidt, Mark[schmidt.mark@epa.gov];

Edward Leonard[leonardel@cdmsmith.com]; Jim Quadrini[jquadrini@anchorqea.com]

From: Sivak, Michael

**Sent:** Wed 3/15/2017 6:18:15 PM

Subject: RE: Newtown Creek: BERA Dispute Meeting

David: Sorry – I try to keep the dist list to only the leads from the various agencies.

Michael Sivak

212.637.4310

From: David Haury [mailto:dhaury@anchorqea.com]

**Sent:** Wednesday, March 15, 2017 2:16 PM **To:** Kwan, Caroline <a href="mailto:kwan.caroline@epa.gov">kwan.caroline@epa.gov</a>

Cc: Vaughn, Stephanie < Vaughn. Stephanie@epa.gov>; Sivak, Michael

<Sivak.Michael@epa.gov>; Schmidt, Mark <schmidt.mark@epa.gov>; Edward Leonard

<leonardel@cdmsmith.com>; Jim Quadrini <jquadrini@anchorgea.com>

Subject: RE: Newtown Creek: BERA Dispute Meeting

Hi Caroline – Thanks for passing along. Tom assumed I was on the distribution list for that email.

## David H. Haury

## **Principal**

## ANCHOR QEA, LLC

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From: Kwan, Caroline [mailto:kwan.caroline@epa.gov]

**Sent:** Wednesday, March 15, 2017 2:07 PM **To:** David Haury <a href="mailto:dhaury@anchorqea.com">dhaury@anchorqea.com</a>>

Cc: Vaughn, Stephanie < <u>Vaughn.Stephanie@epa.gov</u>>; Sivak, Michael

<<u>Sivak.Michael@epa.gov</u>>; Schmidt, Mark <<u>schmidt.mark@epa.gov</u>>; Edward Leonard

<leonardel@cdmsmith.com>

Subject: FW: Newtown Creek: BERA Dispute Meeting

David

I guess Tom did not pass this on to you. Pls read the last sentence. March 28, 2017.

# Caroline

Caroline Kwan

**Project Manager** 

Special Projects Branch

U.S. Environmental Protection Agency

290 Broadway, 20th Floor

New York, NY 10007-1866

(212) 637-4275

kwan.caroline@epa.gov

From: Sivak, Michael

**Sent:** Tuesday, March 14, 2017 3:36 PM

To: Tom Schadt <a href="mailto:tschadt@anchorqea.com">tschadt@anchorqea.com</a>; David Bridgers <a href="mailto:David.bridgers@wallerlaw.com">David.bridgers@wallerlaw.com</a>>
Cc: Amron, Susan <a href="mailto:samron@law.nyc.gov">samron@law.nyc.gov</a>; Weissbard, Ron <a href="mailto:RWeissbard@dep.nyc.gov">RWeissbard@dep.nyc.gov</a>; Mehran, Reyhan (NOAA) <a href="mailto:Reyhan.Mehran@noaa.gov">noaa.gov</a>; ian.beilby@dec.ny.gov; Kwan, Caroline <a href="mailto:kwan.caroline@epa.gov">kwan, Caroline <a href="mailto:kwan.caroline@

Subject: Newtown Creek: BERA Dispute Meeting

The final planned meeting to discuss the issues under dispute for the Newtown Creek BERA is scheduled for March 21 at 2 PM at 666 Fifth Avenue, 26th Floor, Conference Room D/E, New York City. Based on the recent summary submitted by AQ on March 9, 2017 and a review of the letter from David Bridgers dated December 22, 2016 invoking dispute resolution, there are four technical issues and one administrative issue that remain unresolved and in dispute by the NCG. These issues are:

Technical issues.
•□□□□□□□ Reference areas
●□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□
• □ □ □ □ □ □ Wildlife exposure modifying factors
•□□□□□□□ Selection of tissue thresholds

## Administrative issue:

TD - -1. .. ! - -1 ! ....

•□□□□□□□□ Due date for submitt	tal of revised BERA
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The meeting is scheduled for two hours. As there has been significant discussion between EPA and AQ on these issues since the initial meeting to discuss the dispute, there is a need for both AQ, on behalf of the NCG, and EPA to present their current positions on these issues. I propose the following agenda, in order to address each of the outstanding issues in the dispute:

- Introduction and summary: M. Sivak (5 minutes)
  Reference areas
  AQ discussion (10 minutes)
  EPA discussion (10 minutes)
  Input from all other stakeholders: NYS DEC, NOAA, FWS, NYC DEP (5 minutes)
  AQ discussion (10 minutes)
  EPA discussion (10 minutes)
  Input from all other stakeholders: NYS DEC, NOAA, FWS, NYC DEP (5 minutes)
  Input from all other stakeholders: NYS DEC, NOAA, FWS, NYC DEP (5 minutes)
  AQ discussion (10 minutes)
  AQ discussion (10 minutes)
- □ □ □ □ □ □ Selection of tissue thresholds
- o AQ discussion (10 minutes)

EPA discussion (10 minutes)

- o EPA discussion (10 minutes)
- o Input from all other stakeholders: NYS DEC, NOAA, FWS, NYC DEP (5 minutes)

Input from all other stakeholders: NYS DEC, NOAA, FWS, NYC DEP (5 minutes)

• □ □ □ □ □ □ Due date for submittal of revised BERA	
o AQ recommendation and EPA recommendation (5 minutes)	
•□□□□□□□ Summary: M. Sivak (10 minutes)	

Finally, with this communication, I am extending the due date of the dispute period until March 28, one week after the meeting.

Michael Sivak

Chief, Passaic, Hackensack and Newark Bay Remediation Branch EPA Region 2 Superfund Program

sivak.michael@epa.gov

tel: 212.637.4310